



**Police Advisory and Review Committee
February 16, 2023
Fourth Quarter Meeting Minutes**

Meeting was called to order by Star Starks at 6:01 p.m.

PARC Members Present	Star Starks, Jered Croom, Reico Hopewell, Dr. Leticia Flores, Heidi Barcus, Ken St. Germain, Jonathan Haskell
PARC Members Absent	N/A
PARC Staff Present	Tiffany Davidson, Marcus Rudolph
KPD/City of Knoxville Staff	Lakenya Middlebrook, Chief Paul Noel, Asst. Chief Mark Fortner, Ron Mills, Sgt. Rachel Britt

Introduction:

Star Starks welcomed attendees to the Fourth Quarter Police Advisory and Review Committee meeting.

Approval of Minutes:

Jered Croom moved to approve the minutes of the Third Quarter meeting; Ken St. Germain seconded the motion. There were no changes or adjustments to the minutes and they were approved unanimously.

Executive Director's Report

Tiffany Davidson gave the following Executive Director's report for the Fourth Quarter.

Total Cases Audited by the Committee	3
Officers Disciplined	3
Civilian Employees Disciplined	0

Disciplines Imposed by KPD	Number of Officers	Number of Civilian Employees
Written Reprimand	1	N/A
Oral Reprimand	1	N/A
Verbal Counseling	0	N/A
Suspension	1	N/A

** 1 officer resigned prior to the completion of the Internal Affairs investigation. **

Audits of KPD Policies and Procedures

The Executive Director reviewed the following ordinances, policies, and procedures as part of the evaluation of the Internal Affairs Investigations and complaints.

- Code of Conduct:

- 1.04 Conformance to Laws
- 1.8 Emergency Equipment and Pursuit Driving
- 1.10 Carrying bade and Weapon off Duty
- 1.19 Unbecoming Conduct
- 1.21 Unsatisfactory Performance
- 3.00 Courtesy

Advocacy

The Executive Director met the following individuals:

- Knoxville Heart to discuss the Alternative Response Team initiative
- Community Mediation Center to discuss mediation efforts for 2023
- Chief Noel
- Internal Affairs Unit

Networking, Speaking Engagements, and Training

- The Executive Director:
 - Speaking Engagement:
 - KPD's New Police Recruits Training
- The Investigative Manager:
 - Actively participated in the Alternative Dispute Resolution Commission Mediation Techniques Workshop
 - Took advantage of networking opportunities with the Community Mediation Center and Office of the Independent Police Monitor to discuss mediation techniques with mediation for law enforcement
 - Presented at KPD's Citizen Police Academy

Chief of Police Report

Recruiting

- 373 sworn officers / 416 authorized (down 43 police officers)
- Public Safety Recruit Program – Hire PSRs prior to Academy help improve their readiness

18 Public Safety Recruits hired for March 2023 Academy

- Cadet Program – Prepare 18-21 year olds to join Academy
 - Pay 36k
 - Rotate cadets through various KPD jobs to gain experience
 - Uniform presence in Downtown
 - Physical fitness / Academic preparation for KPD Academy
 - Work around college schedule

New Deputy Chief of Professional Standards Created

- Review Policy, Practices, Procedures & Training involving:
 - Internal & External complaint process
 - Use of Force
 - Body Worn Camera / In-Car Camera
 - Vehicle Pursuits
- Develop KPD Policy Manual from existing General Orders to Review & update policies
 - Create policy review schedule

- o Post revised policies on our new website

Career Development

- o Professional Development Training for Existing Officers
- o New Public Safety Complex offers expanded training space
- o Evolve into a Regional Training Hub
 - o Expand training opportunities and coordination among our partner agencies.

Culture

- Build Culture of Accountability (Internal & External)
 - o Mistakes will happen but we need to respond appropriately & transparently
 - o Build and sustain a culture that is accountable to each other and the community
 - o Constructive loyalty and open to seek self-improvement
- ABLE – Active Bystandership for Law Enforcement out of Georgetown Law Center
 - o First agency in Tennessee to join
 - o 8 instructors as of March 16th
- Command Staff will be trained first then the rest of KPD employees, both sworn and professional support staff
- 21CP Climate Assessment
 - o Employee working groups created to address weaknesses

Community

- Reorganization of Field Operations Bureau
 - o Re-established the Central District
 - o Created Community Partnership Officers
 - o More Autonomy & Control for District Commanding Officers
 - o Focus on working with community members to solve problems
 - Next of Kin Program
 - o Improve communication with surviving families
 - o Provide support by connecting families, advocates & peer support

Crime

- Fighting crime will always be our top priority, specifically violent crime
- 15% decrease in murders from 2021 to 2022
- Partnership with Violence Reduction Center
- Revamped our approach in downtown Knoxville with the goal of reducing quality of life and other order maintenance issues.

Miscellaneous Issues

- Grounded Transportation Vans due to seatbelt issues
- Installing Automatic Vehicle Locators in Police Vehicles

Subcommittee Reports

Audio/Video:

Committee member Dr. Leticia Flores provided the Fourth Quarter Audio/Visual Report. Of the three (3) Internal Affairs Cases reviewed by the PARC, there was one (1) case with documented audio and video recordings based on body worn cameras and/or the incident taking place in the vicinity of the officers' patrol vehicles and within a recordable range.

The Audio/Video Subcommittee submits the following findings for our 4th Quarter review:

File Number	Type of Report	Review
1	IAU Case 21-2885	Audio/Video footage was not available for PARC's review due the Pigeon Forge Police Department making the arrest.
2	IAU Case 21-2860	The audio/video equipment for the involved officers were functioning properly and captured the incident being reviewed.
3	IAU Case 22-2879	Audio/Video footage was not available for PARC's review due to the complaint involving the Violent Crimes Unit.

The Knoxville Police Department's General Order 2.16 (Digital Audio/Video Recording Equipment) details that Officers and vehicles equipped with audio/video recording equipment shall be in a record mode at all times when there is potential for contact with a person in the community, whether on-duty, or during secondary employment. The purpose of digital audio/video recording equipment is to monitor all contacts with a person in the community in all situations possible.

We would also like to mention that the Knoxville Police Department requires Sergeants to review officers' audio and visual footage twice per month to ensure that their equipment is operating properly.

Racial Profiling:

Committee member Ken St. Germain provided the Racial Profiling Report for the Fourth Quarter. There were no alleged racial profiling cases or complaints reviewed by PARC during the fourth Quarter review.

Operations:

Committee member Reico Hopewell provided the Quarter-to-Date Operations Report for October 1-December 31, 2022

-Cases Reviewed-	
KPD	
Closed IAU and Referral Action Form Cases	3
PARC	
Community Complaints received via PARC office	6
Community Complaints referred to IAU or a Captain	1
-Total Cases Received	
*Includes IAU and PARC initiated Complaints	
	9

-Total Case(s) Pending- *Complaint(s) that are awaiting review by PARC upon the completion of a KPD investigation.	5
-Total Cases Closed- *Overall number of cases reviewed and closed by PARC staff	4
-Resolution of Community Complaint Cases-	
PARC Staff	0
KPD *KPD made contact with the complainant and the complainant decided to not move forward with a formal investigation <u>or</u> KPD conducted the investigation and shared their findings with the complainant directly	3
Mediation: PARC Staff & KPD *PARC staff met with the complainant and KPD to provide mediation services to resolve issues & concerns	0
Referrals to Appropriate Agencies *PARC office received a call(s) regarding issues involving other law enforcement departments	5

Guest Speaker:

Denise Dean presented to the committee about Race Equity through Community.

Case Matters Addressed by the Committee:

File 1:

Referral Action Form: Yes or No **Internal Affairs Case #:** 22-2885

Is it Standard Operating Procedure to show officers being investigated body camera footage related to their case? When and/or why would IAU Officers choose to share video? In this case, Officer Walker was shown his video so I could question specific actions and statements he made on scene. In general, making the video available prevents officers from saying they can't recall the circumstances surrounding the event. This allows investigators to speak specifically to the officers' actions. We also sometimes do this with complaints/cases involving an officer's on-duty actions.

If this officer was found to be engaging in such conduct again, would their discipline be the same or increase? How and/or why? We have a progressive discipline policy, meaning that if someone commits the same offense again, the discipline intensifies. If behavior does not change, the discipline increases to correct the behavior.

On page 7 of the file, under "5th Degree-Policy Failure," under letter "C", it is stated that there is a consensus among the IAU that the language of CoC 2.07 "needs to be expanded to include any investigative party..." Have the proper steps been taken to make this amendment? Policy amendments are being discussed.

Am I understanding correctly that all Officer Walker has received is an oral reprimand for these violations? Is this oral reprimand something that will stay in his personnel file? Yes- it will stay in his personnel file.

File #: 2

Referral Action Form: Yes or No

Internal Affairs Case #: 21-2860

Is there a matrix of “punishment” for various infractions? Yes, we have a matrix. It is where we need it to be but, something we need to take a dive into as we look at all of our systems.

Please share the justification of only 3 days suspension without pay. This is one of the first disciplinary hearings I've held. Officer Reed, who was in the car that was not in the crash came in and admitted she had made a mistake and really went into how much she had learned from this and how it affected her. It really impressed me how much she responded to the discipline. She lost 36 hours of pay, which is a week's worth of pay.

Why were the officers under review, not charged by KPD with reckless driving, when both officers claimed that they would potentially charge someone who was driving as fast as they were with reckless driving? (There is a precedent for this (McLendon, 2004). The criminal case was investigated by THP, then reviewed by the District Attorney's office. KPD would not have been the agency to bring forth charges.

File #3

Referral Action Form: Yes or No

Internal Affairs Case #: 22-2879

What additional investigative training do officers get before working/interviewing victims of sensitive crimes like sexual assault? The officers go to school where they learn to interview people. We are big on professional development and are working to incorporate trauma-informed training for officers. We do not have officers that focus solely on sexual assault. We have some training but we could do more.

According to Ofc. Turner's testimony, it may take up to 6 months to get evidence back from TBI. Ofc. Madison used the time frame of 12-18 months. Is there some way to confirm this? Why the discrepancy? TBI's time-line for processing evidence slowed drastically during the height of Covid. Inv Turner came into the unit post-Covid once the processing time had returned to normal.

In the findings section on page 7 of the report, the words “unclear” and “unable to determine” were used in regards to the communication records from Ofc. Madison. Ofc. Turner, though, seemed to be very detailed with his communication records. Is the record keeping demonstrated by Ofc. Turner the expectation of KPD, or was he just going the extra mile? There was no SOP or any G.O.'s that dictated how officers were to keep their records. All I had to go off of were Officer Madison's records that he had kept. I could not say one over the other, which is why there was a not-sustained finding. We don't have the capacity without an existing data system. We need a better way of keeping data and this system that we are getting through a grant will help us do that.

Comment: On several occasions, the victim expressed her feelings – like Ofc. Madison wasn't taking her seriously or that she wasn't telling the truth. Ofc. Madison responded that she was wrong. I would just like to note that someone's feelings or perception can't be wrong. I think it's ok for Ofc. Madison to say he feels differently, but her feelings are valid.

Are there no Standard Operating Procedures for conducting rape investigations, do investigators really “conduct their investigations differently”? We have a standard operating procedure for general investigations. Sexual assault investigations pretty much run like every other investigation. We should probably create a checklist for sexual assault investigations I would love to create a group just for investigating sexual assault. For now, I think the standard SOP is sufficient, but maybe a checklist for sexual assault investigations, specifically evidence collection.

What is the benefit/risk of not have a standardized protocol? The benefit or risk is that we miss something. Especially with evidence collection, once you fail to do something you can't go back in time and recollect something. That's why the checklist is so important, since as of now we don't have a group looking at these cases in a high frequency.

What kind of specialized training do officers receive when working the FJC and working with Sexual Assault victims? So, they attend a whole series of training.

Could KPD phone logs be used to determine whether/when Officer Madison had communicated with the complainant? Officer Madison's records no longer exist. I asked the victim for records for her cell phone, but they no longer exist, either.

Comment: Not having notes entered into the Vision system but instead kept on the individual officer's hard drives is problematic record keeping practice – it reduces consistency across officers, can compromise timeliness of case resolution. I suggest that KPD review and consider changing Standard Operating Procedure to use their centralized record system more efficiently. **Agreed**

I'm confused as to why Madison was still communicating with the victim (April 2022) when he was reportedly taken out of the VC unit by late 2021/early 2022; is that standard practice? He actually was not communicating with her in April 2022. The last time they had spoken was in August of 2021. This was what she told me when she came in to be interviewed, and when Ofc. Madison was asked about it he confirmed that it would have been around that time because it was right before his surgery.

Committee Business and Concerns to be addressed:

Star Starks acknowledged Marcus Rudolph as Marcus has resigned from his position with PARC.

Public Forum:

Three members of the community requested to speak during public forum.

Community Updates:

Lakenya Middlebrook shared details for an upcoming free community event. The event, titled Hands Only CPR and Stop the Bleed will be offered to residents on February 20 from 6:00-8:00 p.m. and February 25 from 9:00 a.m.-11:00 a.m. both events will take place at the Larry Cox Senior Center.

Adjourn:

Jered Croom made a motion to adjourn the meeting at 7:40 p.m. The motion was seconded by Leticia Flores.